

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STEPHEN PROCTOR, ROBERT ALMON,)
TRAVIS FOOTE, MATTHEW LANEY,)
TECUMSEH MARTINEZ, BOBBY)
ASHLEY, AMANDA ELLETTE, LLOYD)
CONOVER, and KENNETH REINHART,)

Plaintiffs,

vs.

BOARD OF COUNTY COMMISSIONERS)
OF THE COUNT OF POTTAWATOMIE,)
POTTAWATOMIE COUNTY PUBLIC)
SAFETY CENTER TRUST, and ROD)
BOTTOMS , individually and as Director of)
the Pottawatomie County Public Safety)
Center Trust,)

Defendants.

Case No. CIV-07-654-M

**SUPPLEMENT TO PLAINTIFFS' BRIEF IN OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT OF DEFENDANT, BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF POTTAWATOMIE.**

EXHIBITS
PART I

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March 27, 2009

ATTORNEYS FOR PLAINTIFFS

EXHIBIT 1

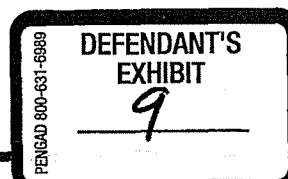
Procedures for Use of Restraint Chair

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

**PROCTOR v. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
POTTAWATOMIE, CASE NO. CIV-07-654-M**

Procedures for Use of the Restraint Chair

- A. Procedures to be followed in the application of the restraint chair are:
1. The camera operator will videotape the inmate throughout the entire process of use of the restraint chair. Care will be taken to protect the safety of the camera operator.
 2. Whenever possible, all security-related applications of the restraint chair will be approved in advance by the warden/acting warden. Health services staff will review the inmate's medical record for any medical condition that may affect the use of the restraint chair prior to its use. Such medical condition will be documented in the medical/clinical record.
 3. When the use of the restraint chair is necessary for medical or psychological reasons, use will be approved in advance by the warden/acting warden and the chief medical officer, staff physician, or duty nurse, who will review the inmate's record for any medical condition that may affect the use of the restraint chair. Such medical condition will be documented in the medical/clinical record.
 4. Use of the restraint chair will be only when an inmate is destroying state property, to prevent self-injury or injury to others, or for medical or psychological reasons.
 5. Placement of an inmate in the restraint chair will be accomplished by a use of force team, as specified in facility procedures.
 6. At least one of the following listed personnel will be present for the application of the restraint chair unless a life-threatening situation necessitates immediate action. If the situation is life-threatening, the shift supervisor will determine the need for immediate action prior to the arrival of at least one of the following personnel:
 - a. Warden
 - b. Deputy Warden
 - c. Chief of Security
 - d. Duty Officer
- B. Application of the restraint chair will include the following progressive steps:
1. A "Use of Force Special Instructions" (Attachment E) will be completed by the shift supervisor in charge, prior to any use of force.



2. The shift supervisor will give the inmate a direct order to submit to handcuffs, before placement in the restraint chair.
3. Specific steps to be followed for placement in the restraint chair are:
 - a. Inmates should only be clothed in their shirt and pants. Ensure that all of the inmate's personal property has been removed, to include ring, glasses, shoes, boots, socks, coat, hat, and belt. **The inmate should be handcuffed and wearing leg irons when warranted.**
 - b. Have the inmate sit in the seat, secure the lap belt free end in the lap belt clevis, and pull the handle until snug. To loosen the lap belt, insert a standard handcuff key in the lap belt buckle, and push in while pulling slack on the lap belt.
 - c. Place the chain of the leg irons behind the chain retainer and attach the handcuff tether to the handcuffs.
 - d. Release the right wrist from the handcuffs and secure it to the arm of the restraint chair with the left wrist and pull the belt snug. **Do not cut off circulation to the hand.**
 - e. Release the left wrist from the handcuffs and secure it to the arm of the restraint chair with the left wrist and pull the belt snug. To loosen wrist strap, press in on the wrist strap buckle while pulling slack on the wrist strap. **Do not cut off circulation to the hand.**
 - f. Retighten the lap belt, if necessary.
 - g. Fasten the shoulder strap by passing the free ends over the shoulders, under the armpits, and securing them to the shoulder strap clevises located on the back of the chair. Then tighten by pulling down on the shoulder strap handle. **Do not wrap the straps around the chest, head, or neck.**
 - h. Secure the ankle strap by passing the free end around the front of the ankle and securing it to the ankle strap clevis. Then pull the ankle strap handle until snug.
 - i. Remove leg irons.
 - j. Violent behavior may mask dangerous medical conditions. Inmates must be monitored continuously and provided medical treatment, if needed. **Belts and straps may need to be loosened to ensure adequate blood flow. Inmates will not be left in the restraint chair for more than two hours at a time.**

Attachment D
OP-050108
Page 3 of 3

- C. After placement in the restraint chair, medical staff will examine the inmate to ascertain if restraints are too tight and to check for injuries incurred during the restraining application. If not previously determined, medical staff will review the inmate's medical record immediately after the initial assessment is complete to identify any pre-existing medical condition that might affect the use of such restraints. Such medical condition will be documented in the medical/clinical record.
 - 1. All officers involved in any use of force will be examined by medical staff for any injuries.
 - 2. The restrained inmates will be checked every 15 minutes, to include a circulation check, by the SHU officer/medical staff, who will immediately report any unusual medical problems to health services staff. These checks will be documented in the SHU custody log or unit activity log.
- D. The inmate will not be left in the restraint chair longer than two hours. A determination will be made at two hours on whether the inmate's behavior dictates further restraint. Any period of restraint in excess of two hours will require review and determination by the warden and the health services administrator or the highest-ranking medical officer on duty. If further restraint is necessary, a determination will be made on the type of restraints that will be used, e.g. walking restraints, four point restraints, five point restraints. All continued use of restraints must be documented in the SHU custody log or unit activity log.
- E. All relevant information concerning the restrained inmates will be entered in the SHU custody log or the unit activity log. Every event, both verbal and physical, will be considered relevant and entered in the log. Each log entry will contain the date, time, details of the event, or visit from an official, and initials of the reporting officer.

(R 02/03)

WARNING

Use of the Emergency Restraint
Chair without first reading and
thoroughly understanding the
instructions could cause injury or
death.

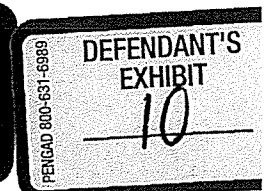
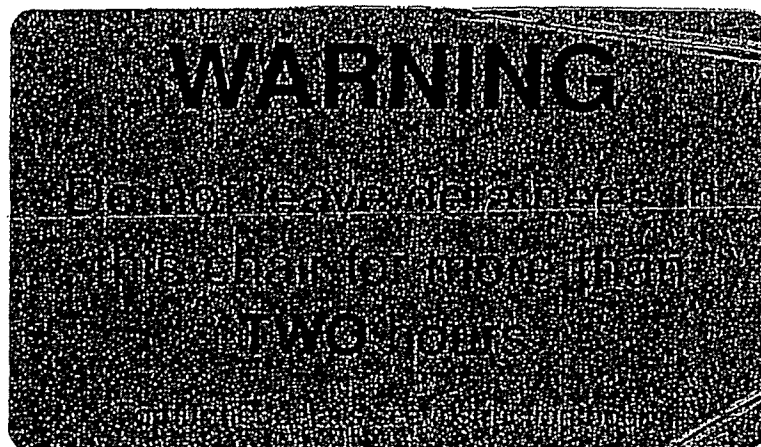
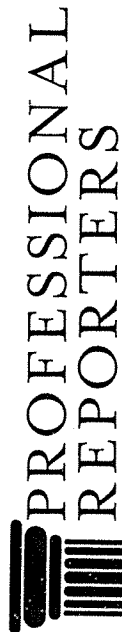


EXHIBIT 2

Reinhart Depo.

**PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

**PROCTOR v. BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF POTTAWATOMIE, CASE NO. CIV-07-654-M**



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479.587.1006 866.603.0559 FAX

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COPY

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

STEPHEN PROCTOR,
ROBERT ALMON,
TRAVIS FOOTE,
MATTHEW LANEY,
TECUMSEH MARTINEZ,
BOBBY ASHLEY,
AMANDA ELLETTE,
LLOYD CONOVER,
and KENNETH REINHART,

Plaintiffs,

Vs.
BOARD OF COUNTY COMMISSIONERS
of the COUNTY OF POTTAWATOMIE
and the POTTAWATOMIE COUNTY
PUBLIC SAFETY CENTER TRUST;
and ROD BOTTOMS, Individually,
as the Director of
POTTAWATOMIE COUNTY PUBLIC
SAFETY CENTER TRUST.

Defendants.



Case No. CIV-07654M

**DEPOSITION OF KENNETH REINHART
TAKEN ON BEHALF OF THE DEFENDANTS
ON NOVEMBER 13, 2008, BEGINNING AT 10:39 A.M.
IN MCALESTER, OKLAHOMA**

REPORTED BY: Daniel Luke Epps, CSR, RPR

1 Q Did she ask you questions concerning
2 the escape?

3 A Yeah.

4 Q Did she ask you anything else?

5 A I don't remember specific questions,
6 but it was all mainly the escape and why did I do
7 it.

8 Q Were you in the restraint chair at
9 the time that those questions were asked?

10 A Yes.

11 Q Were you wearing that suicide gown
12 at the same time?

13 A Yes.

14 Q Tell me about the restraint chair
15 that you were placed in.

16 A It's a black plastic chair that has
17 harnesses and straps and cinches and immobilizes
18 you.

19 Q What on your body was restrained in
20 the restraint chair?

21 A Your torso, your head, your arms,
22 and your legs.

23 Q How is your head restrained?

24 A They put a strap across there and
25 they cinch it tight.



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1 Q And how is your torso restrained?

2 A They have like a harness type thing
3 that they strap down and pull tight.

4 Q Does it go over your shoulders?

5 A Over your shoulders and then it
6 splits and goes two ways around your body.

7 Q So it both goes around your stomach
8 and over your shoulders then?

9 A Yeah.

10 Q And then you said your legs, too?

11 A Your legs are strapped at the thighs
12 and at the ankles.,

13 Q And what about your arms?

14 A They're strapped at the wrists.
15 You're not going to move.

16 Q Had you ever been in a restraint
17 device like that before this conversation with
18 the internal affairs officer?

19 A No, no.

20 Q That was your first time?

21 A (Witness nods head.)

22 Q Is that yes?

23 A Yes.

24 Q And you said you were -- you made
25 the comment you are not going to move. I take it



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1 you were not able to move at all in that chair?

2 A You can't even shake your head or
3 move your head up and down.

4 Q Do you recall how long it was that
5 you spoke with the internal affairs officer?

6 A No.

7 Q All right. This document says
8 Internal Affairs Frair talked to Inmate Reinhart
9 for about ten minutes. Do you have any
10 disagreement with that time period?

11 A No.

12 Q All right. This document continues
13 here and states, "Inmate Reinhart was wheeled
14 over to the rubber room. Inmate Reinhart was let
15 out of the restraint chair while Sergeant Gosey
16 and Corporal Osse stood with Tasers. Officer
17 Hudlow took the restraints off of Inmate
18 Reinhart. Inmate Reinhart was placed on a
19 fifteen minute watch. The whole time the Tasers
20 were out they were pointed at the floor. Not
21 once were the Tasers pointed at Inmate Reinhart."
22 That's what this document says, and by your
23 reaction, I take it you disagree with that?

24 A Absolutely.

25 Q Tell me why you disagree with that.



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1 A I'm not sure. I would guesstimate
2 an hour, maybe.

3 Q Did anyone ever tell you why you
4 were placed in the restraint chair?

5 A No.

6 Q Did anyone ever tell you why you
7 were being placed in the rubber room?

8 A Per Commander Bottoms' orders.

9 Q That's all you know is that Bottoms
10 said to put you in there?

11 A Yeah.

12 Q And then you said the 15 minute
13 thing was per Mr. Bottoms?

14 A Yes.

15 Q All right.

16 A And it was a 15 minute verbal
17 response.

18 Q Tell me about that. What do you
19 mean when you -- you've said that a few times. I
20 just want to make sure I'm understanding exactly
21 what it is you're talking about.

22 A And I know this by being around in
23 the jails. I'm, you know, savvy. On a normal
24 suicide watch, they go to the window, they'd see
25 that you're breathing. If they can't tell if



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1 you're breathing, they'll knock, hey, and the
2 person will wave.

3 Q Okay.

4 A That wasn't good enough per Rod
5 Bottoms. I was to sit up and tell them, "I'm
6 alive," or, "Okay," or give a verbal response
7 thus keeping me awake for 48 hours.

8 Q Now, how do you know that
9 Mr. Bottoms said to give the verbal -- wanted you
10 to give the verbal response?

11 A Because everybody said it, all of
12 the sergeants and lieutenants said. I said,
13 "Hey, why do you guys keep waking me up?" I
14 asked day after day. "Per Mr. Bottoms you're to
15 give a verbal response."

16 Q How long did you stay in the rubber
17 room?

18 A I believe it was two days. Excuse
19 me.

20 Q After you were released from the
21 rubber room, where did you go from there?

22 A I was chained to a bed in a cell.

23 Q Were you returned to a pod?

24 A Yes.

25 Q Do you recall what pod you were



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1 bed has a lip coming up, you know, kind of makes
2 a little boat. It's about this high maybe. They
3 went in and drilled a hole in that, put a padlock
4 through it, put the chain on, chained it, put the
5 chain around my ankle, and padlocked it.

6 Q What type of chain was it?

7 A A normal chain.

8 Q Like with links?

9 A Yeah.

10 Q Not like a rope style chain, but a
11 chain link?

12 A No. Something you'd tow a car with.

13 Q Okay. How heavy of a chain was it?

14 A Pretty good gauge chain. I mean, I
15 would tow my car with it. I would tie down a
16 load on a semi with it.

17 Q And they secured one end of the
18 chain to the bunk, is that right, with a padlock?

19 A They drilled a hole in the bunk and
20 padlocked it.

21 Q All right. Then how long was the
22 chain total length from end to end?

23 A I don't know how long it was. I
24 could tell you that with my leg chained to the
25 bed, I could not get all the way to the stool to



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1 use the bathroom. I had to kind of improvise.

2 Q Okay. Which leg did they affix the
3 chain to your body on?

4 A The leg I had surgery on.

5 Q On your right leg?

6 A Yes.

7 Q And how did they affix the chain to
8 your leg?

9 A They wrapped the chain around my
10 ankle and padlocked it.

11 Q Using a padlock similar to what they
12 had used to chain the chain to the bunk?

13 A Correct.

14 Q Was it long enough chain that you
15 could stand up beside the bunk?

16 A Yes.

17 Q Was it long enough chain that you
18 could take a step away from the bunk with the
19 chain -- with the leg that was chained?

20 A One step.

21 Q How far away from the bunk was the
22 toilet?

23 A About three steps.

24 Q So you said you had to improvise?

25 A Uh-huh.



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1 Q I take that to mean you had to do a
2 -lot of aiming when you used the restroom?

3 A Yeah, and when I wanted --

4 Q I understand. Number two we'll say
5 for lack of a better word.

6 A In one of the Styrofoam containers
7 they gave me my food in.

8 Q Did anybody -- did you ever ask for
9 anybody to come let you out so that you could use
10 the restroom?

11 A Yes.

12 Q All right. Tell me, I don't know
13 what these cells are like. What is inside one of
14 these cells in this pod that you were housed in?

15 A Okay. If you're walking into a
16 cell, the door opens. On the back wall is the
17 bunk.

18 Q All right.

19 A Just inside the door on the
20 right-hand side is the toilet and sink.

21 Q Okay.

22 A On the left-hand side up next to the
23 bunk is a desk and that's it.

24 Q Just one bunk in this particular
25 cell?



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1 Q Not even to use the restroom?

2 A No. I wrote them grievances saying
3 let me have some toilet paper, something to wipe
4 my hands with, wash my hands, you know, after
5 using the restroom, you know. I'm eating with my
6 -- you're making me eat with my fingers, and
7 they'd say, "We'll look into it," or, "You knew
8 your consequences when you did this," and just
9 smart ass stuff. They didn't care.

10 Q What did you eat while you were
11 chained like this? Actually let me stop you
12 before you even start to answer that question.
13 Prior to being chained up, when you were in the
14 max pod, how did you feed in the max pod? How
15 would you get served food?

16 A They would let one cell out at a
17 time, you'd go out and get your food, your drink,
18 and take it in, and, you know, you get a spoon or
19 whatever, a spork, and you'd go in and eat and
20 they'd collect the trays later.

21 Q Okay. One cell out at a time you'd
22 go over to the main door into the pod and accept
23 your tray?

24 A Yes, yes.

25 Q And then you were to take it back to



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1 your cell?

2 A Sometimes -- well, no. At that time
3 you were allowed to eat outside if you wanted to
4 or you could go back to your cell.

5 Q Okay.

6 A I generally chose to go back to my
7 cell because I'm just -- don't like being around
8 people.

9 Q Okay. Now, when you were
10 restrained, how did feed occur when you were
11 restrained?

12 A They brought it into the cell to me.

13 Q All right. What was -- was it the
14 same? Was it a tray that they brought to you?

15 A Styrofoam tray with a lid, you know.

16 Q Okay. That's what it was while you
17 were restrained as well?

18 A Yeah.

19 Q Any different food? You said you
20 had to eat with your fingers?

21 A A lot of carrots and celery, you
22 know, vegetables to eat with and maybe a
23 sandwich, you know.

24 Q Nothing that you would need a knife
25 to cut with or a fork to cut with?



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1 A Well, yeah. If they gave you
2 something, you know, like spaghetti or something,
3 ask for, you know, a spoon to eat it with, no,
4 you're on finger food, but most of the time it
5 was, you know, during the day sandwiches and
6 stuff like that. Breakfast they'd give you
7 oatmeal and stuff and tell you just deal with it.

8 Q Did you ever receive food during
9 that two-week time that you were chained to your
10 bunk that was just your dinner blended up in a
11 blender and put in a Styrofoam cup?

12 A No.

13 Q Did you ever see food ever during
14 your time in Pottawatomie County like that?

15 A I don't remember. I don't remember.
16 I can't say. I thought Matt Laney was getting it
17 like that for a while, but I don't remember.

18 Q Okay. Do you have the incident
19 reports there?

20 A Yes.

21 Q I need you to flip forward a couple
22 pages to an incident number 618 which is from
23 July 22, 2005. I think they're in chronological
24 order there in that exhibit.

25 MR. ROBERSON: There is a 618.



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1 MR. BLODGETT: 618, yes.

2 MR. ROBERSON: Okay.

3 Q (BY MR. BLODGETT) I want to ask him
4 a few questions about 618 here. Mr. Reinhart,
5 I'm going to ask you a few questions about
6 incident number 618, which is one of the incident
7 reports in this Exhibit 5. That incident report
8 is dated July 22, 2005. I think you've had a
9 chance to read over this before. This incident
10 report contains some incidents where you were
11 having -- it alleges some issues you were having
12 with an Officer Barrett. Do you recall having
13 words with an Officer Barrett?

14 A Not specifically, but...

15 Q Okay. It describes an incident
16 where you had called asking for a shower. Do you
17 recall anything about that?

18 A No, but I'm not going to say it
19 didn't happen.

20 Q Do you recall an incident where you
21 became upset and began pushing the intercom
22 repeatedly?

23 A Yeah.

24 Q Tell me what happened that you
25 pressed the intercom -- why did you do that?



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1 A Because she was ignoring me.

2 Q Who was ignoring you?

3 A Whoever was on the other end of the
4 intercom.

5 Q What were you requesting that she
6 was ignoring?

7 A I believe a shower.

8 Q All right. And what was the
9 response you were looking for?

10 A For her to let me out for a shower.

11 Q Was there a shower in your pod?

12 A Yes.

13 Q So you wanted to be let out of your
14 cell so that you could take a shower, is that
15 right?

16 A Yeah.

17 Q Okay.

18 A Which was normal procedure.

19 Q This incident report states in the
20 second to last sentence here, "At approximately
21 1100 hours, Inmate Reinhart was placed in the
22 restraint chair by Sergeant Goodwill, Officer
23 Terry, and Sergeant Goodwill." I don't know if
24 there's two different Goodwills or if he just
25 repeated the same one twice. Do you recall being



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1 placed into the restraint chair because of the
2 incident with the intercom system?

3 A I recall being placed in the
4 restraint chair, yeah.

5 Q You don't remember them telling you
6 that it was for repeated pressing the intercom
7 button?

8 A It was at the same time. They never
9 told me why.

10 Q Okay.

11 A But I wouldn't say, no, that wasn't
12 the reason why.

13 Q This would then be the second time
14 that you were placed in the restraint chair, is
15 that correct?

16 A Correct.

17 Q Tell me, if you would, how it was
18 that you were placed in the restraint chair this
19 time? Did they bring the restraint chair to the
20 pod?

21 A Yeah. Held a Taser on me and told
22 me to sit in the chair.

23 Q Who held the Taser on you on this
24 occasion?

25 A I think it was Goodwill's wife.



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1 There's two Goodwills.

2 Q Okay. So there were two Goodwills
3 then?

4 A Yeah.

5 Q Okay. And you thought it was
6 Mrs. Goodwill that held the Taser on you?

7 A I believe, yeah.

8 Q Now, did she ever use a Taser on you
9 on this occasion? I mean, did she fire the
10 Taser? Did she shoot you with the Taser?

11 A Not at that point, no.

12 Q Okay. The incident report, number
13 618 from July 22, 2005, continues, "He was placed
14 in the west recreation area."

15 A Yes.

16 Q Do you recall that?

17 A Yes.

18 Q Now, when you were placed into the
19 restraint chair, I think you just said a moment
20 ago they brought the restraint chair to the pod,
21 is that right?

22 A Yes.

23 Q They told you to sit in the chair
24 there in the pod?

25 A They restrained me.



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1 Q They strapped you in there in the
- 2 pod, is that right?

3 A Correct.

4 Q Then they wheel you out of there --

5 A Correct.

6 Q -- to this west recreation area?

7 A Correct.

8 Q Tell me what that area is.

9 A It's just a big, open area that they
10 have put a basketball hoop in and called it the
11 rec yard.

12 Q Were there people who could see you
13 in that area?

14 A Everyone. People in the pods,
15 whoever.

16 Q The document concludes with -- it
17 previously said, "He was placed in the west
18 recreation area on 15 minute site checks for 72
19 hours and on finger foods."

20 A Uh-huh.

21 Q Do you recall being restrained for
22 72 hours at that point in time?

23 A Yeah. That's when they Tasered me.

24 Q Tell me about that.

25 A I told them it was against the law



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1 for them to keep me in that chair. This was, I
2 think, the second day. I said, "It's against the
3 law for you to keep me in this chair like that
4 and I want out. Read the chair. It says don't
5 keep me in here for more than two hours right on
6 the chair." They said, "We don't want to hear
7 it," so I started screaming about it, you know,
8 and you've got to understand they've got a
9 plastic bag or a net bag over my head thinking
10 I'm going to spit on them. I've never spit on
11 anybody in my life, you know, and I'm screaming
12 and they come in there, and they've got a Taser
13 gun and, "You need to shut up." Shutting up,
14 "You need to get me out of this chair," back and
15 forth, back and forth. "I'm giving you a direct
16 order. Stop screaming," and I said, "I don't
17 care about your direct order. I'm giving you a
18 direct order. Get me out of this chair." "If
19 you don't stop screaming, I'm going to Taser
20 you." "You can just do what you've got to do.
21 Get me out," and pow. They Tasered me.

22 Q Do you know who it was that Tasered
23 you?

24 A A black officer. I don't know what
25 his name is.



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1 Q If I said his name was Manson, does
2 that sound familiar?

3 A Manson, Munson. I think that might
4 -- I think that might be who it was, yeah.

5 Q You're sure it was an
6 African-American officer, though?

7 A Boy, I know he's there. I'm not
8 going to pinpoint it on him because I know he was
9 back there where the Taser was. I thought he had
10 the Taser. It might have been the -- I don't
11 know what they called him, the lieutenant or
12 whoever.

13 Q When was the spit mask put on you?

14 A The first day.

15 Q Was that put on you in the pod or
16 was that put on you when they moved you to the --

17 A When I got there.

18 Q -- to the recreation area?

19 A Yeah.

20 Q I don't know what that is. Can you
21 describe?

22 A It's a net bag that, you know, you
23 can see through it. It's small mesh that's got a
24 little cinch that they -- they don't choke you
25 out with it or nothing, but they get it to where



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1 it can't come off your head, you know, and they
2 leave it-there.

3 Q Now, you testified earlier that when
4 you were restrained to the chair, they put a
5 restraint on your head and actually held your
6 head in place.

7 A Uh-huh.

8 Q Did you have the bag put over your
9 head?

10 A The bag, then the restraint.

11 Q Okay. So the bag went on your head
12 first, and then your forehead was cinched up in
13 the chair?

14 A Yeah.

15 Q Okay. Where on your body were you
16 Tased when you were Tased that day?

17 A One hit me here and one hit me in
18 the leg.

19 Q One in the mid stomach area, middle
20 of your torso area?

21 A Yeah, and one in the leg.

22 Q In your left leg?

23 A Uh-huh.

24 Q Do you have any idea how long they
25 Tased you?



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1 A No. When that Taser hits you, you
2 lose all -- it seemed like an hour. It really
3 did. I mean, it seemed like it went on forever,
4 and you can't move. You can't jerk and shake.
5 You're restrained, you know.

6 Q Now, this document, this part of
7 Exhibit Number 5, incident number 618 says that,
8 "At approximately 1100 hours, you were placed in
9 the restraint chair." That's approximately 11:00
10 a.m.

11 A 11:00 in the morning.

12 Q Yes. You're telling me that the
13 incident involving the Tasing occurred the
14 following day?

15 A Yeah.

16 Q How many times were you allowed out
17 of the restraint chair between the time they put
18 you in there and the time that you were Tased?

19 A One time to go to the bathroom.

20 Q And do you recall when that was?

21 A It was at night, the graveyard
22 shift. So it was at least 11 hours later, 12.

23 Q What did you do for the remainder of
24 the time you were there in the chair? Did you
25 just hold it the whole time?



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1 A No. I ended up pissing on myself.

2 Q How many times did that happen?

3 A Three or four.

4 Q Did they then let you out to change
5 or anything like that?

6 A No, no, no.

7 Q Just sat you in it the whole time?

8 A (Witness nods head.)

9 Q What were you wearing while you were
10 in the restraint chair this second occasion?

11 A Orange jump -- orange inmate suit.
12 I've got to stand up a minute. Go ahead.

13 Q That's fine. You can stand up if it
14 makes you feel more comfortable. This document,
15 this Exhibit Number -- I'm sorry, Exhibit 5,
16 number 618, says that you were placed on 15
17 minute sight checks. Do you recall people coming
18 in to check on you every 15 minutes?

19 A No. The satellite officer would
20 look in there and that was their check.

21 Q They could see you then?

22 A Yeah. There's a big glass window
23 there.

24 Q It also says you were on finger
25 foods.



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1 A No.

2 Q So it's your testimony that from the
3 minute they put you in the restraint chair at
4 approximately 11:00 a.m. --

5 A I was let up one time in 72 hours.

6 Q Did you receive three meals a day
7 while you were in that restraint chair?

8 A I was offered three meals a day,
9 yes.

10 Q Did you accept three meals a day?

11 A No.

12 Q Is there any reason why you didn't
13 accept three meals a day?

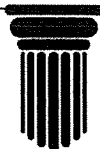
14 A Number one, I didn't want to have to
15 use the bathroom on myself, you know.

16 Q What about water? Did you ever
17 receive any water?

18 A They would come around about every
19 four or five hours with a Styrofoam cup and ask
20 me if I wanted water, and they'd undo the plastic
21 netting, lift it up, and let me drink a little
22 bit.

23 Q Did you receive any treatment for
24 your leg while you were in the restraint chair?

25 A Yes.



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1 Q The nurse came and --

2 A Yeah.

3 Q -- checked on your leg?

4 A Changed the dressing, and she would
5 the whole time say, "I can't believe they're
6 doing this," you know.

7 Q The nurse said that to you?

8 A Yeah.

9 Q Do you recall which nurse that was?

10 A Tammy. I'd like to expound. I know
11 from observation that normally when somebody goes
12 in the chair, they let them up for 15 minutes
13 every four hours to walk around, get some
14 circulation going, use the restroom. They didn't
15 do that with me.

16 Q You knew that from what?

17 A From observation of other people
18 being placed in the chair.

19 Q At the Pottawatomie County you mean?

20 A Yeah.

21 Q Okay.

22 A I mean, you can see it from every
23 pod in the cluster, you know. You can see right
24 into the gym area, the big glass windows, you
25 know. It's set up in a circle like this, and the



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1 gym is here and all these pods can see in, you
2 know.

3 Q You said earlier that there was
4 something on the chair that said only two hours,
5 only use it for two hours?

6 A Yeah.

7 Q Was it a sticker?

8 A A manufacturer's sticker.

9 Q Where was it located?

10 A On the handle where they push you
11 from.

12 Q On the back of the --

13 A Yeah, caution, can cause death, you
14 know, blah-blah-blah.

15 Q Okay. And it said only two hours is
16 all it said?

17 A It said no longer than two hours. I
18 believe it's something -- two hours something --
19 I mean, I've read it, but I don't remember
20 verbatim.

21 Q Did you see it on the chair?

22 A Yes.

23 Q It was on the chair then when you
24 were placed in the chair?

25 A Yes.



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